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GROSSMAN,TUCKER
PERREAULT&PFLEGER,PLLC

Steven J. Grossman Ph.D. (NH)
Teresa C. Tucker (NH)
Donald J. Perreault (NH, MA)
Edmund P. Pfleger (AZ)
Scott R. Faber (PA)
Kevin J. Carroll (NH, MA)
Jeffrey T. Placker (MA)
Brian J. Colandreo (MA, NY)

55 South Commercial St
Manchester NH 03101
U S A

Voice: 603-668-6560
Telefax: 603-668-2970
Web: GTPP.com

Patent Agent
Richard Rhodes

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DELIVER THE FOLLOWING PAGES TO:

NAME: Examiner M. Alexandra Elve

DATE: August 30, 2005

FIRM: USPTO - Art Unit 1725

FROM: Rebecca J. Herman for
Kevin J. Carroll, Esquire

PHONE NO:

OUR REF: JPSA001

FAX NO: 571-273-8300

YOUR REF: US Serial No. 10/782,741

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[X] Other: Following please find Response to Election Requirement

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AUG 30 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/782,741 Confirmation No. : 1664
Applicant : Sercel
Filed : 2/19/2004
TC/A.U. : 1725
Examiner : Elve
Docket No. : JPSA001
Customer No. : 32047

CERTIFICATE OF TRANSMISSION 37 CFR §1.8(a)

I hereby certify that this correspondence is being transmitted via facsimile to: U.S. Patent and Trademark Office, Examiner Elve, Examining Group #1725, at fax number 571-273-8300, on August 30, 2005, at Manchester, New Hampshire.

Signature

Rebecca Herman

(Type or Print Name of Person Signing Certificate)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO RESTRICTION REQUIREMENT

Sir:

In the Office Action dated August 1, 2005, the Office has required a restriction between the following inventions:

- I. Claims 1-21, drawn to a method, classified in class 219, subclass 121.78;
- II. Claims 22-33, drawn to a method, classified in class 219, subclass 121.72;
- III. Claim 34, drawn to a method, classified in class 219, subclass 121.85;
- IV. Claim 35-39, drawn to apparatus, classified in class 219, subclass 121.67; and
- V. Claim 40, drawn to a method, classified in class 219, subclass 121.72.

Applicant appreciates the telephone interview courteously granted by the examiner on August 30, 2005. In that telephone interview, applicant's attorney of record requested clarification of the restriction requirement, particularly as applied to the method claims. The examiner agreed to reconsider the restriction requirement if arguments were presented in this Response. Applicant hereby elects Group I, with traverse. Applicant reserves the right to pursue any non-elected claims in a divisional application.

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Response dated August 30, 2005
Reply to Office action of August 1, 2005

Applicant disagrees with the basis for requiring a restriction between the method claims in Groups I, II, III and V. As a reason for requiring the restriction, the Office action alleges that the inventions of Groups I, II, III and V are all unrelated and cites to MPEP Sections 806.04 and 808.01. Thus, it appears that the basis for the restriction is that the inventions are independent (as opposed to related but distinct inventions discussed in MPEP Section 806.05).

As stated in the MPEP, "the term 'independent' (i.e., not dependent) means that there is no disclosed relationship between the two or more subjects disclosed, that is, they are unconnected in design, operation, or effect." MPEP §802.01. Indeed, the MPEP gives the following example of independent "process" inventions: "[a] process of painting a house and a process of boring a well."

Applicant respectfully points out that there is a disclosed relationship between the methods of Groups I, II, III, and V. The method of forming an astigmatic beam spot may be used to scribe semiconductor wafers (e.g., a sapphire substrate having a layer of GaN), as disclosed, for example, in paragraphs 0039 and 0058 to 0072 of the present specification. The method of scribing semiconductor wafers may be used to separate semiconductor wafers, as disclosed, for example, in paragraphs 0039 and 0059 of the present specification.

Accordingly, the methods of Groups I, II, III and V are not independent and should not be restricted on this basis.

Applicant respectfully requests favorable action in this application. The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

Because this Reply is being filed within the 1 month shortened statutory period, applicant submits that no extension is required and no fees are owed at this time. Please apply any charges not covered, or any credits, to Deposit Account 50-2121 (Reference Number JPSA001).

Appl. No. 10/782,741
Response dated August 30, 2005
Reply to Office action of August 1, 2005

Respectfully submitted,

GROSSMAN, TUCKER, PERREAULT &
PFLEGER PLLC

Date: August 30, 2005

By: 

Kevin J. Carroll, Reg. No. 36,384

55 S. Commercial Street
Manchester, NH 03101
Telephone: (603) 668-6560
Facsimile: (603) 668-2970